THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.279 of 2006

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31st March 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01.02.2005 in Review W.P.M.P.No.26474 of 2004 in W.P.No.3046 of 1993 on the file of the High Court.)

Between:

1. B.Babu Naidu, S/o.B.Narasimhulu Naidu.

And four others.

...APPELLANTS

AND

1. K.Radhakrishnaiah.

And six others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.279 OF 2006

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JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri T.V.S.Kumar, the learned counsel appearing on behalf of the appellants and Sri Ghanta Rama Rao and Sri M.Adinarayana Raju, the learned counsel appearing on behalf of the respondents.

This appeal is at the instance of the unsuccessful review petitioners, who seek to assail the order dismissing the Review W.P.M.P.No.26474 of 2004 filed by the third parties to the Writ Petition being W.P.No.3046 of 1993, *inter alia*, seeking the action on behalf of the respondent/TTD in cancelling the allotments made earlier. This appeal, in fact, arises out of review against the very Writ Petition itself. In the main Writ Petition, the writ petitioners seek to assail the action of the respondent/TTD in allotting the house sites out of turn basis. The learned Single Judge, by going through the various contentions and the proceedings as submitted from both the sides, disposed of the Writ

Petitions with certain directions to follow the seniority and allot the same strictly in accordance with the circular dated 30.01.1990. In the review application, the appellants herein sought to bring a distinction that the appellants' case stands on a separate footing and allotment has to be made as such. Therefore, the question of treating them on par with the others does not arise.

Having heard the counsel on either side and on perusal of the material available on record, it is seen that the very allotment made in favour of the appellants herein, admittedly, is out of turn allotment. Though it was sought to be given on the premise that it pertains to left over uneconomical plots, the fact remains that such allotment has been made without following the seniority. Having regard to the observation already made in the Writ Petition and as rightly observed in the Review W.P.M.P.No.26474 of 2004 rejecting the application, we do not find any merits in the appeal. Necessarily the petitioners have to stand in line as per the seniority and await orders.

The Writ Appeal is accordingly dismissed. No costs.

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(B.PRAKASH RAO, J)

(D.APPA RAO, J)

31st March 2006
RRB

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